

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARCUS A. SATTERFIELD,)	
)	
Petitioner,)	
)	
v.)	1:22-cv-722
)	
PERSON COUNTY,)	
)	
Respondent.)	

ORDER

On September 2, 2022, the United States Magistrate Judge's Order and Recommendation ("Recommendation") was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 2, 3.) In the Recommendation, the Magistrate Judge recommends that this action be construed as a habeas petition under 28 U.S.C. § 2241 and dismissed without prejudice to Petitioner filing a new petition on the proper forms. No objections were filed within the time prescribed by Section 636. Although Petitioner filed a pro se letter requesting for the appointment of counsel, (Doc. 4), that letter raises no objections to the Recommendation.

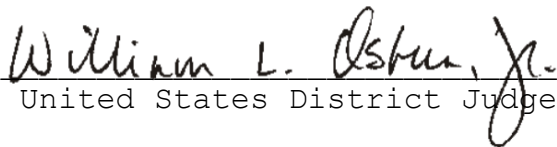
Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted. In light of this order adopting the Recommendation and dismissing this action without prejudice, Petitioner's letter requesting for the appointment of counsel will be denied as moot.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED. IT IS FURTHER ORDERED** that this action is construed as a habeas petition under 28 U.S.C. § 2241, and is hereby, **DISMISSED** without prejudice to Petitioner filing a new petition on the proper forms, which corrects the defects of the current Petition after exhausting his claims in state court. The new petition must be accompanied by either the five-dollar filing fee or a current application to proceed in forma pauperis.

IT IS FURTHER ORDERED that Petitioner's letter requesting for the appointment of counsel, (Doc. 4), is **DENIED AS MOOT**.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 30th day of May, 2023.


United States District Judge